

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
KHALEP COPEs	:	VIOLATIONS:
ANTOINE McClAIN	:	18 U.S.C. § 371 (conspiracy - 1 count)
SONIA ROME	:	18 U.S.C. § 924(a)(1)(A) (false statement to a firearms dealer - 1 count)
	:	18 U.S.C. § 922(g)(1)(convicted felon in possession of a firearm - 1 count)
	:	18 U.S.C. § 2 (aiding & abetting)
	:	Notice of prior conviction
	:	Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. C & C Sports Center, Philadelphia, Pennsylvania, possessed a federal firearms license ("FFL") and was authorized to deal in firearms under federal law.
2. Defendant KHALEP COPEs was barred from legally purchasing or possessing a firearm because he had previously been convicted of a crime for which he could be punished by more than one year imprisonment.
4. The rules and regulations governing FFL holders required that a person seeking to purchase a handgun fill out a "Firearms Transaction Record," ATF Form 4473.
5. On ATF Form 4473, question 12.a read as follows:
Are you the actual buyer of the firearm(s) listed on this form? **Warning: You are not**

the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you.

Above the purchaser's signature and date was a statement that includes:

I certify that the above answers are true and correct. I understand that answering "yes" to question 12a when I am not the actual buyer of the firearm is a crime punishable as a felony.

6. FFL holders were required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder.

7. From on or about April 30, 2004 to on or about May 5, 2004, at Philadelphia, in the Eastern District of Pennsylvania, defendants
**ANTOINE McClAIN,
KHALEP COPES, and
SONIA ROME**

conspired and agreed together to commit an offense against the United States, that is, to knowingly make false statements with respect to the information required to be kept in the records of a federally licensed firearms dealer, in violation of Title 18, United States Code, Section 924(a)(1)(A).

MANNER AND MEANS

It was part of the conspiracy that:

8. Defendant ANTOINE McClAIN introduced defendant KHALEP COPES, to defendant SONIA ROME and asked defendant ROME, in defendant COPES's presence, whether she could purchase firearms for defendant COPES.

9. Defendant McClAIN told defendant ROME that she would be paid for purchasing the firearms.

OVERT ACTS

In furtherance of the conspiracy, the defendants committed the following overt acts in the Eastern District of Pennsylvania:

On or about April 30, 2004:

1. Defendant SONIA ROME telephoned defendant ANTOINE McCLAIN and said she could go with him and defendant KHALEP COPES to buy guns.

2. Defendants ANTOINE McCLAIN and KHALEP COPES picked up defendant SONIA ROME and drove to C & C Sports Center, where defendant COPES handed defendant ROME \$500.

3. Defendants COPES and ROME entered C & C Sports Center while defendant McCLAIN remained in the car.

4. Inside C & C Sports Center, defendant KHALEP COPES looked at guns and decided what guns to buy, after which defendant SONIA ROME filled out an ATF form 4473 on which she answered "yes" to question 12a.

5. Defendants KHALEP COPES and SONIA ROME left C & C Sports Center after a C & C employee told defendant ROME that she could not buy the guns that day.

6. Defendants KHALEP COPES and ANTOINE McCLAIN drove defendant SONIA ROME home.

On or about May 3, 2004:

7. Defendants KHALEP COPES and ANTOINE McCLAIN picked up defendant SONIA ROME and drove to C & C Sports Center.

8. Approximately a block from C & C Sports Center, defendant KHALEP COPES gave defendant SONIA ROME \$500.

9. Defendant ANTOINE McCLAIN remained in the car while defendants KHALEP COPES and SONIA ROME went into C & C Sports Center.

10. When a C & C Sports Center employee told defendant SONIA ROME that

her purchase was not yet approved, defendant ROME gave the employee her telephone number and asked him to call when her purchase was approved.

11. Defendants KHALEP COPEs and ANTOINE McCLAIN drove defendant SONIA ROME home.

On or about May 5, 2004:

12. Defendant SONIA ROME, after receiving a telephone call from C & C Sports Center, left a message for defendant ANTOINE McCLAIN that the purchase had been approved.

13. Defendants KHALEP COPEs and ANTOINE McCLAIN picked up defendant SONIA ROME and drove to C & C Sports Center.

14. Approximately a block from C & C Sports Center, defendant KHALEP COPEs gave defendant SONIA ROME \$500.

15. Defendant ANTOINE McCLAIN remained in the car while defendants KHALEP COPEs and SONIA ROME went into C & C Sports Center.

16. Defendant SONIA ROME changed the date on ATF form 4473 from April 30, 2004 to May 5, 2004.

17. Defendant SONIA ROME paid \$500 for the .380 caliber HiPoint pistol, serial number P802174, and .45 caliber HiPoint pistol, serial number X409877 that defendant KHALEP COPEs had selected.

18. Defendant KHALEP COPEs took the guns out of the store in a white plastic bag and defendants COPEs and SONIA ROME returned to the car in which defendant ANTOINE McCLAIN was waiting.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 6 of Count One are incorporated here.
6. On or about May 5, 2004, in Philadelphia, in the Eastern District of

Pennsylvania, defendants

**KHALEP COPES and
SONIA ROME,**

in connection with the acquisition of a .380 caliber HiPoint pistol, serial number P802174, and a .45 caliber HiPoint pistol, serial number X409877 from C & C Sports Center, knowingly made, and aided and abetted the making of, false statements and representations with respect to information required by the provisions of Title 18, United States Code, Chapter 44 to be kept in the FFL holder's records, in that defendant ROME, while in the presence of defendant COPES, certified on the Firearms Transaction Record, ATF Form 4473, that she was the actual buyer of the firearms listed below, when as defendants ROME and COPES well knew, these statements were false and fictitious

In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 5, 2004, in Philadelphia, in the Eastern District of Pennsylvania,
defendant

KHALEP COPES,

having been convicted in a court of the United States of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed, in and affecting interstate commerce, a firearm, that is, a .380 caliber HiPoint pistol, serial number P802174, and a .45 caliber HiPoint pistol, serial number X409877.

In violation of Title 18, United States Code, Section 922(g)(1).

NOTICE OF PRIOR CONVICTION

Defendant KHALEP COPES committed the offenses charged in this indictment after having been convicted in a court of the Commonwealth of Pennsylvania of a serious drug offense, as follows:

1. Possession with intent to deliver a controlled substance - MC #
9505-0590.

NOTICE OF FORFEITURE

As a result of the violations of Title 18, United States Code, Sections 371, 922(g)(1), and 924(a)(1)(A) set forth in this indictment, the defendants

**KHALEP COPES,
ANTOINE McClAIN, and
SONIA ROME**

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of these offenses, including, but not limited to:

- (1) .380 caliber HiPoint pistol, serial number P802174, and
- (2) .45 caliber HiPoint pistol, serial number X409877.

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 924(d).

A TRUE BILL:

FOREPERSON

**PATRICK L. MEEHAN
UNITED STATES ATTORNEY**